

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

VONVELLE ANTHONY and
KAMARI LEWIS,

Plaintiffs,

CASE NO. 1999-78

v.

RICHARD ABBOTT and MAZDA
CORPORATION,

Defendants.

ORDER

Before the Court is defendant Mazda's motion for reconsideration of the Court's August 19, 2011 (ECF 341) Order extending the time for plaintiff to file its submission in relation to the Court's Opinion and Order dated March 9, 2007. Defendant claims it was not afforded an opportunity to respond to the motion, nor were the requirements of Federal Rule of Civil Procedure met with respect to meriting an extension of time. Defendant argues that the Order allowing an extension was "clear error" and an abuse of discretion.

Local Rule Civil Procedure 7.3 provides that a motion for reconsideration must be based on "1. [an] intervening change in controlling law; 2. availability of new evidence, or; 3. the need to correct clear error or prevent manifest injustice." Here, defendant has failed to meet its burden on the motion for reconsideration.

Local Rule of Civil Procedure 7.1(e)(3) provides that the Court may rule on a motion without a response from the non-movant.¹ It was thus not error, let alone "clear error," for the Court to rule on the motion without awaiting a response from defendant.

¹ As defendant cited this Court to Local Rule 7.1 in claiming and entitlement to respond to the motion, presumably it was aware of this subsection also.

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In addition, Federal Rule of Civil Procedure 6(b) leaves it to the Court's discretion whether to grant an extension with respect to the doing of any act. Under the circumstances presented, the Court exercised that discretion within allowable bounds. That defendant does not agree with the result does not warrant reconsideration.

Accordingly, it is hereby ORDERED that defendant's motion is DENIED.

S_____
RUTH MILLER
United States Magistrate Judge